Public Service Grievance Board

ANNUAL REPORT

2010-2011

MESSAGE FROM THE CHAIR

I am pleased to report that the Public Service Grievance Board carried out its mandate in an efficient and cost effective manner during the fiscal year 2010-2011. This mandate is to provide independent dispute resolution services (mediation, mediation/arbitration, and arbitration) for the resolution of employment disputes involving certain members of the Ontario Public Service who are not covered by a collective agreement and their government employers.

The Public Service Grievance Board is an independent labour relations tribunal that exercises the powers and duties conferred upon it by the Public Service of Ontario Act, 2006, and O. Reg. 387/07. The Board's goal is to encourage harmonious relations within the Ontario Public Service by dealing with the disputes brought before it in a fair, impartial, and expeditious manner. I can report that the Board achieved this goal through the combined efforts of the Board's members and its very capable staff.

The Board's two Vice- Chairs, Deborah Leighton and Kathleen O'Neil, serve the Board on a part-time basis. Like the Chair, they are professional labour relations adjudicators who bring to the Board extensive experience in the broader labour relations community. Their skill, experience, and professionalism greatly contribute to the effectiveness of the Board as an independent dispute settlement agency. I am very grateful for their strong and continuing commitment to the Board.

The Board's administrative staff is led by Caroline Goodwin, the Board's Secretary. As a part-time Chair, I am very much in her debt, and in the debt of her capable staff, for the impressive efficiency with which the Board is run. Their work is essential to fulfilling the Board's responsibility to be administratively accountable within the larger structure of government. Through their efforts the Board has been able to meet its administrative responsibilities in a timely, responsible, and cost effective manner.

Donald D. Carter
Chair, Public Service Grievance Board
May, 2011

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1. PSGB MANDATE

The Public Service Grievance Board (PSGB) is an independent adjudicative tribunal that exercises the powers and duties conferred upon it by the Public Service of Ontario Act, 2006, and O. Reg. 387/07. The PSGB is classed as an adjudicative agency accountable to the legislature through the Chair of Management Board of Cabinet. The overall objective of the Board is to provide dispute resolution services between certain management/excluded crown employees and the government as their employer.

The adjudicative independence and neutrality of the PSGB is preserved by its physical location - it is separated from government agencies other than its co-tribunal the Grievance Settlement Board (GSB), and by the fact that the members of the PSGB are labour relations mediators/adjudicators who are prominent and well respected in the broader labour relations community. The Board's Chair and its two Vice-Chairs bring to it extensive experience in both mediation and adjudication. When third party intervention is needed, the Board provides mediation or, in the alternative, an expeditious process of adjudication.

2. HUMAN RESOURCES

LIST OF APPOINTEES – PUBLIC SERVICE GRIEVANCE BOARD

NAME	OIC APPOINTMENT	INITIAL APPOINTMENT	EXPIRY DATE OF CURRENT APPOINTMENT
Donald Carter	Chairperson	01-Dec-2002	30-Nov-2011
Deborah Leighton	Vice-Chair	25-Sept-1992	30-Jul-2013
Kathleen O'Neil	Vice-Chair	18-Feb-2004	17-Feb-2012

ORDER IN COUNCIL APPOINTMENTS

CHAIR

DONALD CARTER

Donald Carter is a full-time arbitrator and mediator. From 1993 to 1998 he served as Dean of Law at Queen's University, and from 1985 to 1990 he was Director of the Queen's University Industrial Relations Centre/School of Industrial Relations. He has also served as President of the Canadian Industrial Relations Association (1991-92) and as Chair of the Ontario Labour Relations Board (1976-79). He is currently an editor of Labour Arbitration Xpress.

VICE CHAIRS

DEBORAH LEIGHTON

Deborah J.D. Leighton, B.A. (Law, Oxford), L.L.M, J.D., is an Adjunct Professor in the School of Policy Studies at Queen's University. There she teaches courses in labour and employment law, human rights, arbitration and mediation. Her private practice includes mediations and arbitrations of commercial and labour disputes. Ms. Leighton is named as a mediator/arbitrator in numerous collective agreements, including Air Canada and ACPA's collective agreement and AGO and OPSEU's collective agreement. She is also a Vice Chair of the Grievance Settlement Board, and has served as an adjudicator for the Ontario Human Rights Tribunal (1992-98). Ms. Leighton is a member of the Florida Bar and the Law Society of Upper Canada.

KATHLEEN O'NEIL

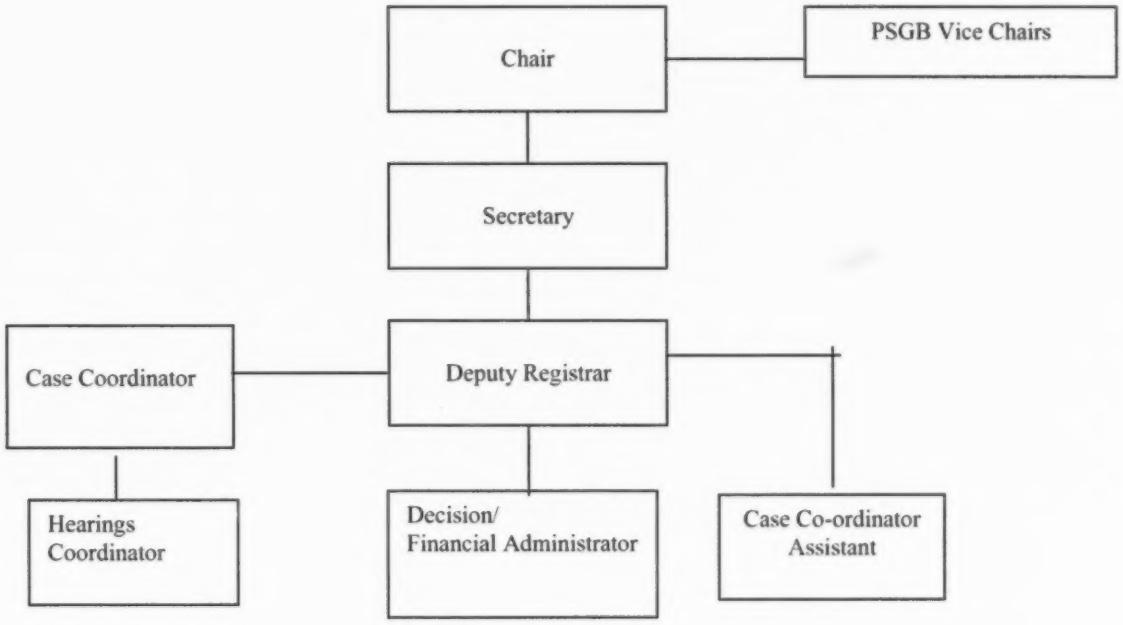
Kathleen G. O'Neil brings over twenty years of experience as an adjudicator to her position as Vice Chair, Ontario Public Service Grievance Board. She previously served as Vice Chair of the Ontario Labour Relations Board (1988 to 1997), and of the Workers' Compensation Appeals Tribunal (1986 to 1988). Since 1997, she has been active in her private practice as a mediator and arbitrator dealing with grievances under Ontario and federal labour statutes, as well as a mediator in a wide variety of matters including human rights, employment related disputes, and general civil litigation. Admitted to the Bar of Ontario in 1979, she holds a B.A. from the University of Toronto and an LL.B. from Osgoode Hall Law School.

THE SECRETARY

CAROLINE GOODWIN

Caroline has in excess of 20 years experience as an administrator in the labour relations field. Caroline commenced her OPS career with the Grievance Settlement Board and has demonstrated her skills and knowledge in positions of progressive responsibility. She has broadened her horizons through secondments with the Ministry of Labour, Finance and Administration Branch; Human Rights Tribunal of Ontario and the Pay Equity Hearings Tribunal.

Organizational Chart – PSGB



3. OVERVIEW OF ACTIVITIES

PSGB Mission Statement

To provide appropriate dispute resolution services to management/excluded employees and their employers in a fair, impartial and expeditious manner and promote harmonious labour relations in the Ontario Public Service.

Overview of Programs and Activities

The PSGB is comprised of a part-time Chair and two part-time Vice Chairs. These three members of the PSGB bring to it extensive experience as both labour mediators and arbitrators.

The administrative functions of the PSGB are performed by a full-time administrative staff under the direction of the Board's Secretary. If you wish to use the PSGB's dispute resolution services, your first point of contact will be with its administrative staff.

Mediation is usually the first step in the PSGB's dispute resolution process once a complaint has been filed with the tribunal. A confidential mediation session provides the opportunity for grievors and their employer to resolve complaints in an expeditious and informal manner. A large proportion of complaints are now successfully resolved through the PSGB's mediation process.

If a complaint cannot be resolved through mediation, it is then scheduled for a full adjudicative hearing. At these hearings, evidence and arguments are presented in a more formal manner. A member of the PSGB will preside over the hearing, deal with procedural and evidential issues, listen to the evidence and argument, and then prepare a written decision. In more complicated cases the hearing could take longer than one day.

It can be seen from this overview that the PSGB makes available to grievors and their employer both mediation and adjudicative services. Regardless of which process is followed, however, it is always the primary concern of the PSGB that complaints be resolved in a fair, impartial, and expeditious manner.

The Board reduced its' active case load by 52% this fiscal and 73% of the cases closed were closed through settlement or withdrawal. There was 1 decision which was upheld on Judicial Review. On an administrative level the Board successfully implemented HST, trained its' staff and board members via on-line training for Accessibility Standards for Customer Service. All grievances filed were acknowledged and scheduled within stated performance measures.

4. PSGB CASES 2010-2011

PSGB Caseload 2010/2011

Active Cases as at March 31, 2010	17	
Cases filed in fiscal 2010/2011	44	
Cases re-opened/input in Case Management System	0	
Total Active Cases		**61**
Cases Disposed of:		
By Decision	6	
Settled	18	
Withdrawn	6	
Dismissed Without Hearing	3	
Duplicate File	0	
Board Order	0	
Total Cases Disposed		**33**
Active Cases at March 31, 2011 *		**28**

* Active Inventory	
To Be Scheduled	10
Schedule Continuation	3
Scheduled	11
Decision Pending	2
Settlement Pending	2
Adjourned Sine Die	0

5. FINANCIAL INFORMATION

The Public Service Grievance Board receives its funds through an allocation from the Grievance Settlement Board, which is funded as a budget item of the Ministry of Labour. Expenditures made on behalf of the PSGB are recovered from the Employer and refunded to the Grievance Settlement Board.

The PSGB charges the Employer a $300 filing fee for each grievance filed at the Board along with the Chair's per diem, administrative, and travel costs.

The attributable costs reflect those costs incurred by the Employer that are directly related to the hearing of a particular case, as well as the cost of using a hearing room at the Board.

Public Service Grievance Board				
	2007-08	2008-09	2009-10	2010-11
Chair Per Diem	40,000.00	40,000.00	61,974.50	56,390.39
Chair Administrative and Travel Costs	1,420.75	487.10	314.26	240.28
Attributable Costs	80,906.97	49,669.60	75,818.73	65,987.13
Administrative/Filing Fees (# of cases filed x $300)	22,800.00	22,800.00	12,900.00	13,200.00
Hearing Rooms at the Board	10,500.00	8,400.00	9,750.00	9,150.00
Total:	**$ 155,627.72**	**$ 121,356.70**	**$ 160,757.49**	**$ 144,967.80**
Number of Cases filed	76	**78**	**39**	**44**

6. PERFORMANCE MEASURES

Public Service Grievance Board			
Measure	**Target**	**2010-11 Achievements**	**2010-2011 Commitments**
Elapsed time to acknowledge receipt of grievance	100% of grievances received to be acknowledged within 30 days.	100% of grievances received were acknowledged within 30 days.	100% of grievances received to be acknowledged within 30 days.
Elapsed time from receipt of Application Form to offering dates	100% of grievances will be offered dates for scheduling within 30 days of receipt of Application Form.	100% of grievances were offered dates for scheduling within 30 days of receipt of Application Form.	100% of grievances will be offered dates for scheduling within 30 days of receipt of Application Form.
Percent of grievances disposed of by settlement or withdrawn	50% of grievances disposed of by settlement or withdrawn	73% of grievances disposed of by settlement or withdrawn	50% of grievances disposed of by settlement or withdrawn
Timeliness of decisions released by the PSGB	Achieve 80% of decisions released within 90 days of completion of hearing	75% of decisions were released within 90 days of completion of hearing	Achieve 80% of decisions released within 90 days of completion of hearing
Percent of judicial reviews upheld	100% of decisions upheld on judicial review.	1 decision was brought before the courts for judicial review and was upheld.	100% of decisions upheld on judicial review